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APPLICATION NO.		FILING DATE 02/20/2002		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. 4428	
10/081,048				Rasoul Mirzazadeh Oskouy	JNP-0004-01		
	26615 7590 03/18/2005		EXAMINER				
HARRITY & SNYDER, LLP					HSU, ALPUS		
	11240 WAPLE	S MILL RO	DAD				
	SUITE 300				ART UNIT	PAPER NUMBER	
FAIRFAX, VA 22030				2665			

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.		Applicant(s)					
	10/081,048	5 .	OSKOUY ET AL.					
Office Action Summary	Examiner		Art Unit					
	Alpus H. Hsu		2665					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
Status								
1) Responsive to communication(s) filed on 2/20/0	Responsive to communication(s) filed on 2/20/02 & 1/14/05.							
	action is non-final	•						
3) Since this application is in condition for allowan	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
closed in accordance with the practice under E	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims			•					
4) Claim(s) 39-71 is/are pending in the application	١.							
4a) Of the above claim(s) is/are withdraw	4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.	·							
6) Claim(s) is/are rejected.	Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.	☐ Claim(s) is/are objected to.							
8) Claim(s) 39-71 are subject to restriction and/or	election requireme	ent.						
Application Papers								
9)☐ The specification is objected to by the Examiner	☐ The specification is objected to by the Examiner.							
10)☐ The drawing(s) filed on is/are: a)☐ acce	☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.							
Applicant may not request that any objection to the o	Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correcti	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11)☐ The oath or declaration is objected to by the Ex	aminer. Note the a	ttached Office	Action or form PTO-152.					
Priority under 35 U.S.C. § 119			•					
 a) All b) Some * c) None of: 1. Certified copies of the priority documents 2. Certified copies of the priority documents 3. Copies of the certified copies of the priority application from the International Bureau 	Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)								
1) Notice of References Cited (PTO-892)		terview Summary						
2)		aper No(s)/Mail Da otice of Informal F	ate atent Application (PTO-152)					
Paper No(s)/Mail Date	· ==	ther:	•					

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 39-48, drawn to packet forwarding apparatus, classified in class 370, subclass 428.
- II. Claims 49-71, drawn to a method and apparatus for processing packet utilizing input queue, classified in class 370, subclass 415.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed and the subcombination has separate utility such as input packet processing device.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the

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application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the 6. examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH

Primary Examiner Art Unit 2665

Megen vs. ros

Alpus H. Hsu